

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6823

BILL NUMBER: HB 1270

NOTE PREPARED: Apr 18, 2005

BILL AMENDED: Mar 24, 2005

SUBJECT: Motor Vehicle Offenses.

FIRST AUTHOR: Rep. Pond

FIRST SPONSOR: Sen. Wyss

BILL STATUS: Enrolled

FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
☐ **FEDERAL**

IMPACT: State & Local

Summary of Legislation: The bill creates criminal offenses for the unlawful: (1) entry into; or (2) possession, operation, or disposition of; a motor vehicle. The bill also provides: (1) enhanced penalties; and (2) a defense; in certain circumstances.

Effective Date: July 1, 2005.

Explanation of State Expenditures: (Revised) There are no data available to indicate how many offenders may be convicted of unauthorized entry of a motor vehicle, a Class B misdemeanor, or the enhanced penalty crimes for altering or damaging the motor vehicle's steering column, a Class A misdemeanor, or occupying the vehicle furthering the commission of a crime, a Class D felony. Also, there are no data available to indicate how many offenders are convicted of criminal conversion, a Class A misdemeanor. The bill would add enhanced penalties to this existing crime for exerting unauthorized control over the motor vehicle used to assist in the commission of a crime, a Class D felony, and exerting unauthorized control of a motor vehicle for commission of a felony, a Class C felony.

Depending on the mitigating and aggravating circumstances, a Class D felony is punishable by a prison term ranging from six months to three years or reduction to Class A misdemeanor, and a Class C felony is punishable by a prison term ranging from two to eight years. The average expenditure to house an adult offender was \$21,514 in FY 2004, ranging from a low of \$16,645 to a high of \$49,281. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner. The average length of stay in Department of Correction (DOC) facilities for all Class D felony offenders is approximately 10 months and for all Class C felony offenders is approximately two years.

Explanation of State Revenues: If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class D or Class C felony is \$10,000, for a Class B misdemeanor is \$1,000, and for a Class A misdemeanor is \$5,000. Criminal fines are deposited in the Common School Fund.

If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

Explanation of Local Expenditures: A Class B misdemeanor is punishable by up to 180 days in jail, and a Class A misdemeanor is punishable by up to one year in jail. Also, if more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. The average daily cost to incarcerate a prisoner in a county jail is approximately \$44.

Explanation of Local Revenues: If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

State Agencies Affected: Department of Correction.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Indiana Sheriff's Association; Department of Correction.

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